

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JASON KROMER, et al.,

Plaintiffs,

-against-

**SALVATORE CAMPISI & SONS
ELECTRICAL CONTRACTING INC.,**

Defendant.

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**MEMORANDUM
AND ORDER**

11-CV-990 (NGG)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a dispute between the parties concerning plaintiffs' Request for Production of Documents ("RFP") #17, which seeks complaints regarding wage rates or payment of wages by Electrician's Helpers. Plaintiffs cite a document from the New York State Department of Labor ("DOL") reflecting that the DOL conducted an investigation of defendant and determined that the wages paid by defendant were below those required by New York State's Labor Law. See Second Notice of Discovery Dispute (Sept. 6, 2011) at 3, ECF Docket Entry ("DE") #49; id. Ex. C, DE #49-3. Defendant counters that the claim was not against defendant, see Letter Brief Regarding Discovery (Sept. 13, 2011) at 2, DE #52, and has submitted, for *in camera* inspection, several documents reflecting that defendant was indemnified (in part) by another entity (presumably, the general contractor referenced in the parties' discussions of this issue).

Having conducted an *in camera* of the documents proffered by defendant, the Court concludes that documents responsive to RFP #17 are discoverable, pursuant to a confidentiality stipulation to be drafted by the parties and so-ordered by the Court. The DOL's statements

indicate that its investigation and findings were aimed at defendant; whether another party was ultimately responsible for the violations may be (briefly) explored in discovery. Both sides are cautioned that this is a ruling on discoverability, not admissibility.

SO ORDERED.

**Dated: Brooklyn, New York
January 31, 2012**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**